

INITIAL STUDY

PROJECT FILE NO.: PDC 01-12-103

PROJECT DESCRIPTION: Planned Development Rezoning from R-2 Residential District to A(PD) Planned Development District to allow up to 26 multi-family attached residences on a 0.67 gross acre site (Rincon South Specific Plan).

PROJECT LOCATION: Northwest corner of North First Street and Gish Road

GENERAL PLAN DESIGNATION: Transit Corridor Residential/General Commercial

ZONING: R-2 Residential District

SURROUNDING LAND USES: Transit Corridor Residential (25-65 DU/AC)/General Commercial - Multi-Family Attached Residential to the north; Transit Corridor Residential (25-65 DU/AC)/General Commercial - hotel and vacant to the east; Transit Corridor Residential (25-65 DU/AC)/General Commercial - Single-Family Residential and parking lot to the south and Medium Low Density Residential (8 DU/AC) – Single-Family Residential to the west.

PROJECT APPLICANT'S NAME AND ADDRESS: John Moniz/HMH Inc., P.O. Box 61150, San Jose, CA 95161

DETERMINATION

On the basis of this initial study:

<input type="checkbox"/>	I find the proposed project could not have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the project proponent has agreed to revise the project to avoid any significant effect. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find the proposed project could have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT(EIR) is required.
<input type="checkbox"/>	I find the proposed project could have a significant effect on the environment, but at least one effect has been (1) adequately analyzed in a previous document pursuant to applicable legal standards, and (2) addressed by mitigation measures based on the previous analysis as described in the attached initial study. An EIR is required that analyzes only the effects that were not adequately addressed in a previous document.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, no further environmental analysis is required because all potentially significant effects have been (1) adequately analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION , including revisions or mitigation measures that are included in the project, and further analysis is not required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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Date

Signature

Name of Preparer: Mike Mena

Phone No.: (408) 277-8566

I. AESTHETICS - Would the project:

a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
b) Substantially damage scenic resources, including, but not limited to, trees, rock out-croppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
e) Increase the amount of shade in public and private open space on adjacent sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2, 27

DISCUSSION OF IMPACTS: No impacts. The subject property is not located on or within a scenic corridor as indicated on the Scenic Routes and Trails Diagram of the San Jose 2020 General Plan. A Shade and Shadow Study was conducted for the proposed project which analyzed shade and shadow impacts on adjacent properties in regards to the Spring Equinox and the Summer and Fall Solstice. The study concluded that the proposed project (Planned Development Zoning) would not result in a significant impact on the adjacent properties, in particular the single-family dwelling units to the rear of the subject site.

MITIGATION MEASURES: No mitigation is required.

II. AGRICULTURE RESOURCES - Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4

DISCUSSION OF IMPACTS: No impact. The site is not used for agricultural purposes and is designated for commercial or high-density residential use in the General Plan. The property is too small for viable agriculture use and is surrounded by urban development.

MITIGATION MEASURES: No mitigation is required.

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III. AIR QUALITY - Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,14
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14

DISCUSSION OF IMPACTS: The proposed project consisting of up to 26 multi-family attached residential units, will not create significant adverse impacts on air quality or contribute to an existing or projected air quality violation. The San Jose General Plan EIR recognizes and addresses cumulative air quality impacts resulting from build-out consistent with the San Jose 2020 Land Use /Transportation Diagram. However, there will be temporary impacts from the dust generated during demolition and construction activities. Construction will cause dust emissions that could have a significant temporary impact on local air quality and contribute sources to regional air quality.

MITIGATION MEASURES: Precautions should be taken during construction activities. While the project is under construction, the developer shall implement effective dust control measures to prevent dust and other airborne matter from leaving the site. BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to a level that is less than significant. The following construction practices should be implemented during all phases of construction on the project site. With the inclusion of these mitigation measures, the short-term air quality impacts associated with construction will be reduced to less-than significant levels.

1. Use dust-proof chutes for loading construction debris onto trucks.
2. Water to control dust generation during demolition of structures and break-up of pavement.
3. Cover all trucks hauling demolition debris from the site.
4. Ware or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind.
5. Cover all trucks hauling soil, sand, or loose materials, or required trucks to maintain at least two feet of freeboard.
6. Sweep daily all paved access road, parking areas, and staging areas at construction sites.
7. Sweep streets daily if visible soil material is carried onto adjacent public streets.
8. Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc)
9. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
10. Replant vegetation in disturbed areas as quickly as possible.

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IV. BIOLOGICAL RESOURCES - Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,10
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,6,10
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,6
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,10
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,11
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

DISCUSSION OF IMPACTS: No rare, threatened, endangered or special status species of flora or fauna are known to inhabit the site. The 0.67-acre project site is an in-fill site developed with existing two-family residential units and is completely surrounded by urban development. There are 7 trees on site, of which three (3) are greater than 56" in circumference and will require a tree removal permit prior to removal of the subject trees. The removal of the trees would not result in a significant impact. Trees for removal shall be replaced as follows:

MITIGATION MEASURES:

All trees greater than 56 inches in circumference require the approval from the Director of Planning, Building and Code Enforcement of a Tree Removal Permit. Trees approved for removal shall be replaced as follows:

1. Each tree(s) less than 12 inches in diameter removed shall be replaced with one 15-gallon tree.
2. Each tree(s) between 12 inches and 18 inches in diameter removed shall be replaced with two 24-inch box trees.
3. Each tree(s) greater than 18 inches in diameter shall be replaced by four 24-inch box trees.

V. CULTURAL RESOURCES - Would the project:

a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,7, 26
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,8, 26
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,8, 26
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,8, 26

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DISCUSSION OF IMPACTS: The site is built-out with residential uses. A historical report was produced for the proposed project. No structures on site are listed on the National Register, the California Register, or the City of San Jose's Historic Resource Inventory, and do not appear to be eligible for inclusion on any of these stated lists. Therefore, the report concluded that the subject project/rezoning would not result in a significant impact on any historically significant structures. The subject historic report is available for review at 801 North First Street, Room 400, San Jose, CA 95110 in the City of San Jose Planning Division office.

The site is located within an archaeologically sensitive zone. Although no prehistoric sites have been recorded on or adjacent to the project site, construction activities may result in discovery of unknown buried archaeological resources

MITIGATION MEASURES: There shall be monitoring of site excavation activities to the extent determined by a qualified professional archaeologist to be necessary to insure accurate evaluation of potential impacts to prehistoric resources.

1. If no resources are discovered, the archaeologist shall submit a report to the Director of Planning verifying that the required monitoring occurred and that no further mitigation is necessary.
2. If evidence of any archaeological, cultural and/or historical deposits are found, hand excavation and/or mechanical excavation will proceed to evaluate the deposits for determination of significance as defined by CEQA guidelines. The archaeologist shall submit reports, to the Planning Department Project Manager to the satisfaction of the Director of Planning, describing the testing program and subsequent results. These reports shall identify any program mitigation that the developer shall complete in order to mitigate archaeological impacts (including resource recovery and/or avoidance testing and analysis, removal, reburial and curation of archaeological resources).
3. In the event that human remains and/or cultural materials are found, all project-related construction shall cease within a 25-foot radius in order to proceed with the testing and mitigation measures required. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:
 - a. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified by the developer and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission, who will attempt to identify descendants of the deceased Native Americans. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the landowner shall reenter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
 - b. A final report shall be submitted to the Planning Department Project Manager to the satisfaction of the Director of Planning prior to release of a Certificate of Occupancy. This report shall contain a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resource analysis methodology and conclusions and a description of the disposition/curation of the report shall verify completion of the mitigation program to the satisfaction of the Director of Planning.

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VI. GEOLOGY AND SOILS - Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,5,24
2) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5,24
3) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5,24
4) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5,24
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5,24
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5,24
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5,24
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5,24

DISCUSSION OF IMPACTS: The project site is not located on or near a known fault, in an area susceptible to landslides, identified for potential strong ground shaking or a designated City of San Jose Geologic Zone. The closest fault, Hayward Fault, is located eight (8) miles from the project site. All potential problems shall be mitigated with standard engineering techniques.

MITIGATION MEASURES: No mitigation is required.

VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,12

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e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

DISCUSSION OF IMPACTS: Existing uses and the proposed residential project does not include the storage or use of hazardous materials on the subject site. The proposed future use of the site additionally does not propose the use or storage of hazardous materials or toxic gases; therefore, the Initial Study for the proposed project does not address the possible use of or storage of hazardous materials or toxic gases.

MITIGATION MEASURES: No mitigation is required.

II. HYDROLOGY AND WATER QUALITY - Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,15
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
d) Result in increased erosion in its watershed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
e) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
f) Substantially alter drainage patterns due to changes in runoff volumes and flow rates?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
g) Result in increased impervious surfaces and associated increased runoff as specified in the NPDES permit and the City's Post Construction Urban Runoff Management Policy?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
h) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,17
i) Result in an increase in pollutant discharges to receiving waters such as heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,17

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j) Result in an increase in any pollutant for which the water body is already impaired as listed on the Clean Water Act Section 303 (d) list available from the State Water Resources Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
k) Result in alteration of receiving water quality during or following construction including clarity, temperature, and level of pollutants?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
l) Substantially alter surface water quality, or marine, fresh, or wetland waters as specified in the NPDES permit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
m) Substantially alter ground water quality as specified in the NPDES permit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
n) Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses as specified in the NPDES Permit, General Plan, and City policy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
o) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
p) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,9
q) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,9
r) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
s) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

DISCUSSION OF IMPACTS: The proposed project is a small infill project and will not have a substantial adverse impact, degrade water quality or alter existing drainage patterns. However, the increased amount of on-site impervious surface resulting from the project may affect the on-site drainage or increase the amount of runoff from the site. The site is also located within a flood zone (Zone A0, Depth 1).

MITIGATION MEASURES: The project shall incorporate mitigation measures to minimize urban run-off. The mitigation measures include a storm water run-off management plan for construction activities to the satisfaction of the Department of Public Works, and compliance with all applicable City, Local, Regional, State and Federal laws. The project shall conform to the City of San Jose National Pollution Discharge Elimination System (NPDES) Storm Water Permit and shall include Best Management Practices (BMPs) as specified in the *Blueprint for a Clean Bay* to control the discharge of storm water pollutants including sediments associated with construction activities. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City project Engineer. The Erosion Control Plan may include BMPs as specified by the Association of Bay Area Government's Manual of Standard Erosion & Sediment Control Measures for reducing impacts on the City's storm drainage system from construction activities. The project will be required to mitigate for flooding through proper construction. A Flood Elevation Certificate for each proposed structure, based on construction drawings, is required prior to the issuance of a building permit. Consequently, an Elevation Certificate for each built structure, based on finished construction, is required prior to issuance of an occupancy permit. These certificates will confirm that all proper measures were taken to mitigate flood hazards to less than significant.

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VIII. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

DISCUSSION OF IMPACTS: The proposed Planned Development Zoning to facilitate the develop of up to 26 multi-family attached residential units on the subject site is consistent with the existing General Plan land use designation of Transit Corridor Residential (25-65 DU/AC) in that the density of the proposed project is 38.8 dwelling units to the acre. The proposed project site is located within the Kerley Neighborhood sub-area as incorporated into the Rincon South Specific Plan. The proposed project is consistent with the design and development policies on the Rincon South Specific Plan in that: the proposed overall height of the development is 35 feet; first floor residential uses have primary entries oriented to North First Street; the parking is provided to the rear of the property and the streetscape improvements are generally consistent with those identified in the Rincon South Specific Plan

MITIGATION MEASURES: No mitigation is required.

X. MINERAL RESOURCES - Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,23
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,23

DISCUSSION OF IMPACTS: The project will not result in the loss of known mineral resources.

MITIGATION MEASURES: No mitigation is required.

XI. NOISE - Would the project result in:

a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,13,18, 25
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 25
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 25
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 25

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 25
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

DISCUSSION OF IMPACTS: Noise levels on the site will exceed the City's 60 dBA Ldn noise goal for residential development. Noise levels at the first, second and third level patios on the facades facing North First Street and Gish Road will be exposed to noise levels ranging from 65 to 71 dBA Ldn, while those facing away from North First Street will be exposed to noise levels ranging from 59 to 62 dBA Ldn. A two (2) dBA factor for safety has been added to account for any potential future increases in the existing noise atmosphere. The patio areas of the project serve as the primary outdoor use areas for the residents, and thus should be protected from the environmental noise levels.

Noise levels at the façade facing away from North First Street will be exposed to noise levels exceeding from 61 to 64 dBA Ldn and may be considered to be consistent with the allowable noise exposure in the General Plan because the plan recognizes that the long-term goal may not be met in the downtown area in the life time of the plan.

During construction, noise levels will be temporarily elevated in the general vicinity and would result in a temporary significant short-term impact.

MITIGATION MEASURES: City of San Jose noise criteria and California Noise Insulation standards require that noise levels within new residential units must provide an interior noise level of 45 decibels or less. To meet the interior noise City of San Jose General Plan standards, the following mitigation shall be implemented:

1. Solid noise barriers at the periphery of the patios on North First Street and Gish Road which block the line of sight from a person on the patio to traffic on the surrounding roadways will be included in the project to reduce noise levels on the patios to acceptable levels.
2. Interior noise mitigation for this project will consist of mechanical ventilation of all units with windows opening on the northeast, southeast, and northwest facades and sound-rating windows in units with windows opening to North First Street.
3. Construction hours shall be confined to 7:30 AM to 5:30 PM, and restrict construction to weekdays only.
4. To reduce the temporary noise increase due to construction activities, the project will be conditioned to include proper equipment mufflers, maintenance of equipment and limitation of construction hours. With these mitigation measures, the temporary impacts to the project noise will be reduced to a less than significant level.

XII. POPULATION AND HOUSING - Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

DISCUSSION IMPACTS: The project is proposed for an infill site and is consistent with the General Plan. The project will not induce substantial population growth because it is a small project, providing up to 26 residential units in an urbanized area. The proposed Planned Development Zoning would facilitate the demolition of five duplex units

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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and the development of up to 26 multi-family attached residential units, thus creating an overall net increase of 16 new residential units. Therefore, the demolition of the five duplex units would not result in a significant impact in regards to the substantial displacement of peoples or housing units, which would necessitate the construction of, or replacement of housing elsewhere.

MITIGATION MEASURES: No mitigation required.

XIII. PUBLIC SERVICES - Would the project:

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

DISCUSSION OF IMPACTS: The infill project would not have significant impacts to public services because it will urbanize an underutilized site in conformance with the San Jose 2020 General Plan

MITIGATION MEASURES: No mitigation is required.

XIV. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

DISCUSSION OF IMPACTS: The infill project would not have significant impacts to recreation because it will urbanize an underutilized site in conformance with the San Jose 2020 General Plan.

MITIGATION MEASURES: No mitigation is required.

XV. TRANSPORTATION / TRAFFIC - Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,19
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,19
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,19

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d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,19
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,20
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,18
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,18

DISCUSSION OF IMPACTS: The project will create a net increase of 18 vehicle trips during the peak commute PM hours and will not result in a substantial increase in traffic trips in relation to the existing load capacity to the traffic system (Department of Public Works). The project will encourage the use of bus and light rail because of its proximity to the light rail and bus stations.

MITIGATION MEASURES: No mitigation is required.

XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,15
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,21
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,17
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,22
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,21
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,21
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,21

DISCUSSION OF IMPACTS: The proposed project will be adequately served by existing utility and service system and will be in compliance with all applicable federal, state and local regulations. The proposed project will be developed in conformance with the General Plan.

MITIGATION MEASURES: No mitigation is required.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

Does the project have the potential to (1) degrade the quality of the environment, (2) substantially reduce the habitat of a fish or wildlife species, (3) cause a fish or wildlife population to drop below self-sustaining levels, (4) threaten to eliminate a plant or animal community, (5) reduce the number or restrict the range of a rare or endangered plant or animal, or (6) eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,10
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<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects and the effects of other current projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,16
Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 28

DISCUSSION OF IMPACTS: The proposed project will not have a significant effect in terms of the mandatory findings of significance in that the subject site does not contain any fish, wildlife, and endangered species or habitat. It does not contain any historic resources of any kind. Identified environmental impacts can be reduced to a less than significant impact level with the mitigation measures identified above and will be required to be incorporated into a future project.

During a community meeting held on April 29, 2003 comments were made which identified the presence of a large *Rattus Norvegicus* (Norway/House/Roof/Sewer rat) population on the subject site. Roof and Sewer rat populations are not indigenous to a single structure and generally live in trees and roam throughout neighborhood areas. In contrast the Norway and House rat specie are generally indigenous to a specific structure or home and have a limited foraging range which typically consists of the grounds surrounding the occupied structure.

Therefore, the siting of Roof and/or Sewer rats on the project site would not be considered a potential impact with the associated demolition of the site's structures due to the fact that the population would be located throughout the neighborhood. Therefore, the demolition would not disperse the population any more than what already exists in the area. However, if the Norway or House rat occupies the subject site, potential impacts from the displacement of the identified *Rattus Norvegicus* population during demolition and construction into the surrounding community would need to be addressed. In order to reduce the potential impact from the displacement of an existing Norway/House rat population, the following mitigation must be incorporated into the projected to reduce these identified impacts to a less than significant level:

MITIGATION MEASURES: In addition to the above listed mitigation measures, the following must be incorporated into the project in order to reduce potential effects which would cause substantial adverse effects on human beings, either directly or indirectly:

1. Prior to issuance of a Public Works Clearance and issuance of a Demolition Permit the applicant must have the property inspected by a licensed pest control operator to determine if populations of the Norway and/or House rats are located on the subject property.
2. If Norway/House rats are sited on the property or within the existing structures the applicant must have the site treated by a licensed pest control operator to ratify the subject rat population from the site. In addition the site must be re-inspected prior to demolition of the structures in order to ensure the population has been eliminated from the site. Should rat populations (Norway/House) remain on the site prior to demolition, the site must be re-treated in order to complete the ratification of the rat population from the site.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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CHECKLIST REFERENCES

1. Environmental Clearance Application – File No. PDC01-103
2. San Jose 2020 General Plan
3. USDA, Soil Conservation Service, Soil Survey of SC County, August 1968
4. USDA, Soil Conservation Service, Important Farmlands of SC County map, June 1979
5. State of California's Geo-Hazard maps / Alquist Priolo Fault maps
6. Riparian Corridor Policy Study 1994
7. San Jose Historic Resources Inventory
8. City of San Jose Archeological Sensitivity Maps
9. FEMA Flood Insurance Rate Map, Santa Clara County, 1986
10. California Department of Fish & Game, California Natural Diversity Database, 2001
11. City of San Jose Heritage Tree Survey Report
12. California Environmental Protection Agency Hazardous Waste and Substances Sites List, 1998
13. City of San Jose Noise Exposure Map for the 2020 General Plan
14. BAAQMD CEQA Guidelines, Bay Area Air Quality Management District. April 1996, revised 1999.
15. San Francisco Bay Regional Water Quality Control Board 1995 Basin Plan
16. Final Environmental Impact Report, City of San Jose, SJ 2020 General Plan
17. Santa Clara Valley Water District
18. City of San Jose Title 20 Zoning Ordinance
19. San Jose Department of Public Works
20. San Jose Fire Department
21. San Jose Environmental Services Department
22. San Jose Water Company, Great Oaks Water Company
23. California Division of Mines and Geology
24. Cooper Clark, San Jose Geotechnical Information Maps, July 1974
25. *Bellagio Garden Residential Project, Environmental Noise Study, San Jose, California.* Illingworth & Rodkin, Inc., Fred M. Svinth, Assoc. AIA. March 29, 2002.
26. *Archaeological Evaluation of the Bellagio Garden Project at North 1st Street and Gish Road in the City of San Jose,* Archaeological Resource Management, Dr. Robert R. Cartier, Principal Investigator.
27. *Shadow Study for the Bellagio Garden, San Jose, California,* Y.H. Lee Associates, Architecture, Planning and Interior Design, March 3, 2003.
28. Frank Meek, Orkin Technical Service and Pest Control, phone-call (404) 888-2898 on May 5, 2003.